

SCOTT N. SCHOOLS (SCBN 9990)  
United States Attorney

BRIAN STRETCH (CABN 163973)  
Chief, Criminal Division

DENISE MARIE BARTON (MABN 634052)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7359  
Facsimile: (415) 436-7234  
denise.barton@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CR No. 03-07-70345
	)	
Plaintiff,	)	STIPULATION AND [PROPOSED] ORDER
	)	EXTENDING THE TIME LIMIT FOR THE
v.	)	PRELIMINARY HEARING AND
	)	EXCLUDING TIME
GLENIO JESUA FERREIRA SILVA,	)	
	)	
Defendant.	)	
_____	)	

\_\_\_\_ The parties now stipulate and request that the Court enter an Order that the Preliminary Hearing be removed from the August 29, 2007 calendar and be continued until September 14, 2007 and that time should be excluded from the Speedy Trial Act calculations from August 29, 2007 through September 14, 2007 for effective preparation of counsel. The Government has provided voluminous discovery to the defendant and defense counsel requires time to review it. Further, counsel for the Government and defense counsel are currently discussing pre-indictment resolution of this matter. Finally, counsel for the defendant does not believe it is within his client's best interest to hold a preliminary hearing within 20 days, pursuant to Fed. R. Crim. P.

1 5.1(c),(d). The parties represent that granting this continuance is necessary for effective  
2 preparation of counsel to permit defense counsel to review discovery and to afford counsel time  
3 to discuss pre-indictment resolution, taking into account the exercise of due diligence. See 18  
4 U.S.C. § 3161(h)(8)(B)(iv).

5 IT IS SO STIPULATED.

6 SCOTT N. SCHOOLS  
7 United States Attorney

8 DATED: August 28, 2007

9 /s/  
10 DENISE MARIE BARTON  
Assistant United States Attorney

11 DATED: August 28, 2007

12 /s/  
13 STEVEN GRUEL  
Attorney for GLENIO JESUA FERREIRA  
14 SILVA

15 **IT IS SO ORDERED.**

16 For the reasons stated above, the Court finds that the ends of justice served by the  
17 continuance outweigh the best interests of the public and the defendant in a speedy trial and that  
18 time should be excluded from the Speedy Trial Act calculations from August 29, 2007 through  
19 September 14, 2007 for effective preparation of counsel. See 18 U.S.C. §3161(h)(8)(A). The  
20 failure to grant the requested continuance would deny the defendant effective preparation of  
21 counsel, taking into account the exercise of due diligence, and would result in a miscarriage of  
22 justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

23  
24  
25 DATED: \_\_\_\_\_

26 \_\_\_\_\_  
27 Honorable Joseph C. Spero  
United States Magistrate Judge